(SRI N. RACHIAH)

ready and it is under scrutiny. As this was a special session, Government were not able to introduce that Bill. During the next session, Government will certainly see that the Bill is introduced and after it becomes an Act, there would be uniform law in all the integrated areas. All the valuable suggestions given by Hon'ble Members would be borne in mind by Government and we shall see that a model and strict legislation is passed to prevent any irregularity as pointed out by Hon'ble Members. After all, this is only a case of extending the existing Act to the area where there is no such Act. When the Bill is placed before the House, there would be ample scope for them to give more concrete suggestions. In a parliamentary democracy, suggestions and constructive criticisms are always welcome.

Dr. R. NAGAN GOWDA (Hospet).—Can the Hon'ble Minister say as to what districts he will be taking up for introduction of prohibition next year ?

Sri N. RACHIAH.—This is not the proper time to say anything about that. There is still time to consider that question and take a decision. Sir, several charges were also levelled by some Hon'ble Member, but for want of sufficient time, I do not propose to reply to each of them. With these words I submit that this Bill be passed.

Mr. SPEAKER.—The question is :

"That the Mysore Prohibition (Extension to Hyderabad Area) Bill, 1959 be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses. The question is :

"That clauses 1 to 6, both inclusive, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clauses 1 to 6, both inclusive, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri N. RACHIAH.—Sir, I beg to move:

"That the Mysore Prohibition (Extension to Hyderabad Area) Bill 1959, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Prohibition (Extension to Hyderabad Area) Bill, 1959, be passed."

The motion was adopted.

Statistical Statement of Starred Questions and Replies as on 10th August 1959.

Mr. SPEAKER.—Before the Hon'ble Minister moves the next Bill, I have something to bring to the notice of the House.

1	No. of questions tabled ...	410
2	No. of questions admitted and sent to Government.	363
3	No. of replies due from Government as on 7th August 1959.	170
4	Out of 170 questions in coloumn 3, No. of replies received from Government as on 10th August 1959.	128
5	Total No. of replies received as on 10th August 1959 (*i.e.*, 128 plus 49 questions to which replies were due later).	177
6	No. of questions answered (inclusive of 10th List).	142
7	No. of questions included in the 11th List.	29
8	No. of replies on hand ...	6
9	No. of question to which Government has asked for extension of time.	1

Reply to Question No. 183 by Sri J. L. Kabadi pertaining to recruitment by Public Service Commission has not been received. Question No. 183 admitted and sent to Government on 23rd July 1959 and due on 7th August 1959.

MYSORE ELECTRICITY (TAXATION ON CONSUMPTION) BILL, 1959.

Motion to consider.

Sri H. M. CHANNABASAPPA (Minister for Public Works and Electricity).—Sir, I beg to move :

"That the Mysore Electricity (Taxation on Consumption) Bill, 1959, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Electricity (Taxation on Consumption) Bill, 1959, be taken into consideration."

†Sri H. M. CHANNABASAPPA.—Sir, I do not think it is necessary for me to make a lengthy speech on this simple and healthy measure. This Bill is only intended to replace the Ordinance that is already in force.

As Hon'ble Members know, Sir, there are at present different ways of taxation in different parts of our State. In old Mysore area, we have a taxation rate varying from about. 7 nP to 2.1 nP per unit. In Bombay area, we have a rate ranging from 3.1 nP for lighting with the exemption up to 12 units and the rate structure of 1.8 nP for 2 units for other consumption. In Hyderabad area, we have no taxation at all. In Madras and Coorg there is a surcharge ranging from 25 per cent to 50 per cent and this amount exclusively goes to the revenue of the Electricity Board. Therefore, it is clear that there is need for a uniform taxation structure for the old Mysore as also the other parts of the State.

This question was under the consideration of the Government and we could not bring a uniform taxation structure because there is no uniform tariff structure in the whole country. The Mysore State Electricity Board was intended to have a uniform taxation structure and this was done in July 1959. Simultaneously Government wanted to introduce a uniform taxation measure with effect from the 1st July 1959 and as the Legislature was not in session then an ordinance had to be issued. The present Bill is only to replace the ordinance.

Coming to the provisions of the Bill, under clause 3 we have taken power to levy a maximum tax of 3 nP per unit of energy consumed per month. The rate has got to be specified by Government by notification. Provision has also been made as to how exactly the rate of tax has got to be fixed where the quantity of electricity consumed is not actually measured by meter but by some other formula prescribed by the licensee. Clause 4 provides for the manner in which the tax has got to be levied and credited to Government. In the same clause we have provided for giving rebate towards expenditure incurred by the licencee for collection purposes.

In clause 5 we have prescribed that the licensee should maintain books of accounts and also furnish certain returns to Government for its information. Clause 6 provides for appointments of inspecting officers to inspect and scrutinise the books of accounts and exercise such powers as may be necessary to implement the provisions of this Act.

In clause 7 we have provided for recovery of tax either through civil courts or as arrears of land revenue if the same is not paid in time and in the prescribed manner. Under clause 8 Government have retained the power to notify the exemptions and also the reductions.

Clause 9 provides for penalties. The maximum punishment is fine to the extent of Rs. 500 if accounts are not kept and returns are not submitted and also for offences for contravening the provisions of clause 11.

By clause 10 Government has taken the power to make rules for the proper implementation of the provisions of the Act. Clause 12 provides for repeals and savings of certain provisions now in force in the Bombay and Madras areas. Clause 13 provides for repeal of the Mysore Ordinance No. 2 of 1959.

By clause 14 we have retained certain powers for removing such difficulties as may occur during the course of the implementation of the Act.

This, in short, is the object of this Bill. This Bill is very necessary as members will see from the very face of it. Otherwise there will be inconvenience and also disparity in the rates in the different regions of the State.

(SRI H. M. CHANNARASAPPA)

With these words I commend the Bill for the acceptance of the House.

5 P.M.

†ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ (ಚಾಮರಾಜನಗರ).—ಸ್ವಾಮಿ, ಮೈಸೂರು ಎಲೆಕ್ಟ್ರಿಸಿಟಿ (ಟ್ಯಾಕ್ಸೇಷನ್ ಆನ್ ಕನ್ಸಂಪ್ಷನ್) ಆರ್ಡಿನೆನ್ಸ್ ಬಿಲ್ಲನ್ನು ನಾನು ವಿರೋಧಿಸದೆ ವಿಧಿಯಿಲ್ಲ. ಸರ್ಕಾರ ಏಳೂವರೆ ವರ್ಷಗಳಿಂದ ಮಾಡಿದಂಥ ತಪ್ಪನ್ನೇ ಇವೊತ್ತು ಸಹ ಮಾಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಪಟ್ಟಿದೆ. ಅದರಲ್ಲಿಯೂ ಈ ಸಭೆಯ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳನ್ನು ಮೊಟಕು ಮಾಡತಕ್ಕ ಉದ್ದೇಶದಿಂದಲೇ ಮುಂದುವರಿಯುವುದಕ್ಕೆ ಪ್ರಯತ್ನಪಟ್ಟಿದೆ ಎಂದರೆ ತಪ್ಪಾಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಪ್ರಜಾ ಪ್ರಭುತ್ವದ ಹೆಸರಿನಲ್ಲಿ, ರಾಜ್ಯಾಂಗದ ರಕ್ಷಣೆಯಲ್ಲಿ ಅವರು ಮಾಡತಕ್ಕ ತಪ್ಪು ತಪ್ಪಲ್ಲವೆಂದು ತಿಳಿದುಕೊಂಡಿದ್ದರೆ ಅದು ಮಹಾಪರಾಧವೆಂದು ನಾನು ಘಂಟಾಘೋಷವಾಗಿ ಹೇಳುತ್ತೇನೆ. Indian Constitutionನಲ್ಲಿರತಕ್ಕ ಪ್ರಾವಿಷನ್‌ಗಳು ಅವುಗಳಲ್ಲಿರುವ spirit ಏನು ಎಂಬುದನ್ನು ತೆಗೆದುಕೊಳ್ಳದೆ ಅದರಲ್ಲಿರುವ ಅಕ್ಷರಗಳನ್ನು ಅನುಸರಿಸಿ ಆರ್ಡಿನೆನ್ಸ್ ತರತಕ್ಕ ದುಷ್ಪದ್ಧತಿಯನ್ನು ಅವರು ಇಲ್ಲಿಂದಾಚೆಗಾದರೂ ಬಿಡಬೇಕೆಂದು ದೇಶದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಪ್ರಜಾಪ್ರಭುತ್ವದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಹೇಳಿ ನಾನು ಅವರನ್ನು ಖಂಡಿಸಬೇಕಾಗಿದೆ. ಇದು ಒಂದು ಟ್ಯಾಕ್ಸೇಷನ್ ಮಸೂದೆ. ಸಾಮಾನ್ಯವಾಗಿ ಈ ಹಕ್ಕು ಇರುವುದು ಈ ಘನಸಭೆಗೆ. ಈ ಮಾನ್ಯ ಸಭೆಗೆ ಇರತಕ್ಕ ಹಕ್ಕನ್ನು ಹಿಂದಿನ ಬಾಗಿಲಲ್ಲಿ ಕಳಚಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ರಾಜ್ಯಪಾಲರಿಗೆ legislative powers ಇವೆ ಎನ್ನತಕ್ಕ ಒಂದು ದೃಷ್ಟಿಯಿಂದ ಮಾಡಿರುವುದು ಮಹಾಪರಾಧ. ದೇಶದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಆರ್ಡಿನೆನ್ಸ್ ಹೊರಡಿಸತಕ್ಕದ್ದು ಅತ್ಯಾವಶ್ಯಕ. ಆದರೆ ದೇಶದ ಹಿತದೃಷ್ಟಿ ಎಂಬ ಹೆಸರಿನಿಂದ ಕಳವು ಮಾಡತಕ್ಕ ಸ್ವಭಾವ ಸರ್ಕಾರ ನಡೆಸುವವರಲ್ಲಿರಬಾರದೆಂದು ವಿನಯದಿಂದ ಖಂಡಿಸಬೇಕಾಗಿದೆ.

[MR. DEPUTY SPEAKER in the Chair.]

ಈ ಆರ್ಡಿನೆನ್ಸ್ ತರತಕ್ಕ ಆವಶ್ಯಕತೆ ಇತ್ತು, ಅದರ ಸ್ಥಾನದಲ್ಲಿ ರೂಲ್ಸ್ ಮತ್ತು ಕಾರ್ಸ್ಟಿಟ್ಯೂಷನ್ ಹೊಂದಿಕೊಳ್ಳತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಈ ಮಸೂದೆಯನ್ನು ತಂದಿದ್ದೇವೆಂದು ಹೇಳಿದ್ದಾರೆ. ನಿಜ. ಇದು ಲಾಯರುಗಳಿಗೆ ವಾದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ವಿಷಯವೇ ವಿನಾ ತತ್ವಶಃ ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ಈ ಮಸೂದೆ ಬಂದಿಲ್ಲ, ಈ ರೀತಿ ಆರ್ಡಿನೆನ್ಸ್ ಹೊರಡಿಸಿರುವುದು ಸರಿಯಲ್ಲವೆಂದು ಹೇಳಬೇಕಾಗಿದೆ

Rule 70 (1) of the Rules of Procedure and Conduct of Business in the Legislative Assembly. says :

> "Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the Assembly there shall be placed before the Assembly along with the Bill a statement explaining the circumstances which necessitated immediate legislation by Ordinance."

ಆದರೆ explanatory note ಕೊಟ್ಟಿದ್ದಾರೆಂದು ನಾನು ಹೇಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. Explanatory note ಇದ್ದಹಾಗೂ ಇರಬೇಕು, ಇಲ್ಲದೆ ಇದ್ದ ಹಾಗೂ ಇರಬೇಕು, ಎಂಬ ಕಾನೂನಿನ ಕವಚದಿಂದ ಕಳಚಿಕೊಳ್ಳತಕ್ಕ ಬುದ್ಧಿವಂತಿಕೆ ಇಲ್ಲಿದೆ. ಮಸೂದೆಯಲ್ಲಿ ಹೊಟ್ಟೆಪೊದಲು ಈ ರೀತಿ ಇದೆ.

> "Whereas neither the Mysore Legislative Assembly nor the Legislative Council is in session and the Governor of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the levy of tax on the consumption of electricity in all areas in the State of Mysore....."

ಎಂದು ಹೇಳುತ್ತಾರೆ. ಇದು ಎಷ್ಟರಮಟ್ಟಿಗೆ explananatory note ಆಗುತ್ತದೆಂಬುದು ನನಗಂತೂ ಅನುಮಾನಾಸ್ಪದವಾಗಿದೆ.

SRI H. M. CHANNABASAPPA.—The Hon'ble Member may refer to the Statement of Objects and Reasons.

> "As it was necessary to introduce the uniform tax structure simultaneously with the introduction of uniform rates, an Ordinance was promulgated ....."

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಅದನ್ನು ಹೇಳುತ್ತೇನೆ ಎರಡು ಸಭೆಗಳೂ ಅಧಿವೇಶನದಲ್ಲಿರಲಿಲ್ಲವಾದ್ದರಿಂದ ಆರ್ಡಿನೆನ್ಸ್ ಹೊರಡಿಸಿ ಈ ಒಂದು ಮಸೂದೆಯನ್ನು ನಾವು ತರಬೇಕಾಗಿ ಬಂತು ಎಂದು ಹೇಳುವುದು ಸಮಂಜಸವಾದ ವಾದವಲ್ಲ. ಅದು ಸಭೆಯನ್ನು ತೃಪ್ತಿಪಡಿಸತಕ್ಕ ಕಾನೂನನ್ನು ತೃಪ್ತಿಪಡಿಸತಕ್ಕ ಒಂದು ವಾದವೇ ವಿನಾ ಸಮಂಜಸವಾದ, ಅರ್ಥಗರ್ಭಿತವಾದ ವಾದವೆಂದು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. Uniform Laws ತರಬೇಕಾದ್ದರಿಂದ ಈ ರೀತಿ ಜಾಗ್ರತೆ ಮಸೂದೆಯನ್ನು ತರಬೇಕಾಗಿ ಬಂತು, ಅದರಿಂದ ದೇಶಕ್ಕೆ ಸ್ವಲ್ಪ ಹಣ ಬರುತ್ತಿತ್ತು ಎನ್ನುವ ದೃಷ್ಟಿಯಲ್ಲಿ ಹೇಳಿದಂತೆ ಕಾಣಿಸುತ್ತದೆ. ಈಗಲಾದರೂ ಅವರು ಈ ಒಂದು ತಿಂಗಳಿನಲ್ಲಿ ವಸೂಲು ಮಾಡಿರುವುದು ಏನಿದೆ ಎಂದು ಕೇಳುತ್ತೇನೆ. ಇವೊತ್ತಿನ ದಿವಸ ಒಂದು ತಿಂಗಳಿನಲ್ಲಿ ಏನು ವಸೂಲು ಮಾಡಿದ್ದಾರೆ, ಒಬ್ಬ ಇಕ್ಸ್‌ಪೆಕ್ಟರನ್ನಿಟ್ಟು ಎಷ್ಟರಮಟ್ಟಿಗೆ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳಬಹುದು ಎನ್ನುವುದೂಗೊತ್ತು.

SRI H. M. CHANNABASAPPA.—I want to draw his attention to "Statement under sub-rule (1) of rule 70 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly in respect of Mysore Electricity (Taxation on Consumption) Bill, 1959." He will please refer to page 11 where a statement has been given. It is open to the Hon'ble Member to attribute any motive, but whether a statement has been given or not, is a

matter of fact. It was questioned by him and so I drew his attention to page 11 where such a statement has been given as required by rule 70.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ನಾನು ಹೇಳುವುದಕ್ಕೆ ಮುಂಚೆ ಅವರೇ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಅವರು ಪ್ರಜಾ ಪ್ರಭುತ್ವ ಮಾರ್ಗದಲ್ಲಿ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟು, ನಾನು ಹೇಳುವುದನ್ನು ಅವರು ಸಮಾಧಾನ ದಿಂದ ಕೇಳಬೇಕು. ಈ ಒಂದು ಮನೂದೆಯನ್ನು ತರುವಾಗ, ಸರ್ಕಾರದವರು ಕಾನ್‌ಸ್ಟಿಟ್ಯೂಷನಲ್‌ಆಗಿ ವರ್ತಿಸಿದ್ದಾರೆಯೇ? ಆರ್ಡಿನೆನ್ಸ್ ಹೊರಡಿಸುವ ದೃಷ್ಟಿ ಬೇಡ, ಈ ಸಭೆಯ ಹಕ್ಕು ಬಾಧ್ಯತೆಗಳನ್ನು ಕಾಪಾಡತಕ್ಕಂಥ ದೃಷ್ಟಿಯಿಂದ ತಾವು ಕೆಲಸ ಮಾಡಿ ಎಂದು ಹೇಳುತ್ತಾ ಇದ್ದೇನೆ. ತಾವು ಹೊರಡಿಸಿದ್ದಕ್ಕೆ ಒಂದು ಎಕ್ಸಪ್ಲನೇಟರಿ ನೋಟ್ ಕೊಟ್ಟಿದ್ದೀರಿ. ಅದು ಅಷ್ಟು ತೃಪ್ತಿಕರವಾಗಿಲ್ಲ. ಈ ಪ್ರಜಾಪ್ರಭುತ್ವಯುಗ ದಲ್ಲಿ ಆರ್ಡಿನೆನ್ಸ್ ಮೂಲಕ ಬಿಲ್ಲು ತರುವುದನ್ನು ಎಲ್ಲಾ ಪಕ್ಷಗಳೂ ಇಲ್ಲಿಯವರೆಗೆ ವಿರೋಧಿಸಿಕೊಂಡು ಬಂದಿವೆ. ಆದರೂ ಸಹ ತಾವು ಏತಕ್ಕಾಗಿ ಇದನ್ನು ಮುಂದು ವರಿಸುತ್ತೀರಿ? ಆರ್ಡಿನೆನ್ಸ್ ಮೂಲಕ ಮುಂದುವರಿ ಸಿದರೆ ಸದಸ್ಯರು ಏನು ಮಾಡುತ್ತಾರೆಂಬ ಉದಾಸೀನ ಮನೋಭಾವದಿಂದ ಸದಸ್ಯರನ್ನು ನೋಡುತ್ತಿದ್ದೀರಿ ಎಂದು ನಾನು ಅಂದುಕೊಂಡಿದ್ದೇನೆ.

ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಮತ್ತೊಂದು ವಿಷಯವೇನೆಂದರೆ, ಈ ಬಿಲ್ಲನ್ನು ಜಾರಿಗೆ ತಂದನಂತರ, ಸರ್ಕಾರಕ್ಕೆ ಎಷ್ಟು ಉತ್ಪತ್ತಿ ಬರುತ್ತದೆಂದು ನಮಗೆ ಇಲ್ಲಿಯವರೆಗೂ ನೀವು ಕೊಟ್ಟಿರುವ ಸ್ಟೇಟ್‌ಮೆಂಟಿನಲ್ಲಾಗಲಿ, ಎಕ್ಸ್‌ಪ್ಲನೇಟರಿ ನೋಟಿನಲ್ಲಾಗಲಿ ತಿಳಿಸಿಲ್ಲ. ಅದೂ ಅಲ್ಲದೆ ಎಕ್ಸ್‌ಪೆಂಡಿಚರ್ ಎಷ್ಟಾಗುತ್ತದೆಂದು ಕೊಟ್ಟಿದ್ದರೆ ಏನು ಕಷ್ಟವಾಗುತ್ತಿತ್ತು? ಕೊಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗಲಿಲ್ಲವೇ?

Sri H. M. CHANNABASAPPA.—When there is no expenditure, what is the expenditure that I can show?

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಈ ಬಿಲ್ಲನ್ನು ತಂದು ದರಿಂದ ಸರ್ಕಾರದ ಬೊಕ್ಕಸಕ್ಕೆ ಏನು ಉತ್ಪತ್ತಿ ಬರುತ್ತದೆಂದು ಹೇಳಬಹುದಾಗಿತ್ತು.

ಶ್ರೀ ಎಚ್. ಎಂ. ಚನ್ನಬಸಪ್ಪ.—ಉತ್ತರ ಕೊಡುವಾಗ ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಕೆಲವು ಲೈಸೆನ್ಸಿಗಳು ಎಂದರೆ, ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡು ಮತ್ತಿತರ ಲೈಸೆ ನ್ಸಿಗಳೂ ಇದ್ದಾರೆಂದು ನನಗೆ ಭಾನವಾಗುತ್ತದೆ. ಇತರ ಲೈಸೆನ್ಸಿಗಳೂ ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡಿಗೆ ಸೇರಿ ಕೆಲಸ ಮಾಡುತ್ತಾರೋ? ಅಥವಾ ಈ ಲೈಸೆನ್ಸಿಗಳು ಯಾರ ಆಡಳಿತಕ್ಕೆ ಒಳಪಟ್ಟಿದ್ದಾರೆಂದು ಅನುಮಾನ ವಾಗಿದೆ.

Sri H. M. CHANNABASAPPA.—The relationship between the Government and the Electricity Board is a matter which is presented in the Electricity Board Act.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಈಗ ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡಿನಲ್ಲಿರತಕ್ಕಂಥ ಅಧಿಕಾರಿಗಳು, ನಿಮ್ಮ ಆಧಿ ಕಾರಿಗಳೇ, ಬೋರ್ಡಿನ ಅಧಿಕಾರಿಗಳೇ ಎನ್ನುವುದು ಇತ್ಯರ್ಥವಾಗಿಲ್ಲ.

Sri H. M. CHANNABASAPPA.—What has got that to do with this?

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳು ಯಾರ ಆಡಳಿತದಲ್ಲಿದ್ದಾರೆ? ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡಿನ ಅಧೀನದಲ್ಲಿದ್ದಾರೆ. ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡ್ ಅಧಿಕಾರಿ ಗಳಿಗೆ ಎಂ. ಎಸ್. ಆರ್. ಅಪ್ಲೈ ಆಗುತ್ತಾ ಇಲ್ಲ. ಈಗ ನೀವು ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಬೋರ್ಡಿನ ಪವರುಗಳನ್ನು ಕೊಡುತ್ತೀರಿ. ಆ ಬೋರ್ಡಿನ ಮೇಲೆ ಸರ್ಕಾರಕ್ಕೆ ಯಾವ ರೀತಿ ಕಂಟ್ರೋಲ್ ಇದೆ ಎನ್ನುವುದನ್ನು ನೀವು ತಿಳಿಸಿದ್ದೀರ? ಬೋರ್ಡಿಗೆ ಕರೆಕ್ಷನ್ ಮಾಡುವ ಅಧಿ ಕಾರವನ್ನು ಪೂರ್ಣವಾಗಿ ಕೊಡುತ್ತಾ ಇದ್ದೀರ; ನಿಮಗೆ ಏನಾದರೂ ಬೋರ್ಡ್‌ಮೇಲೆ ಕಂಟ್ರೋಲ್ ಇದೆಯೇ? ಬೋರ್ಡು ಅಧಿಕಾರಿಗಳ ಮೇಲೆ ನಿಮ್ಮ ಸರ್ಕಾರದ ಕಂಟ್ರೋಲ್ ಇದ್ದರೆ, ಎಂ. ಎಸ್. ಆರ್. ಅವರಿಗೆ ಅಪ್ಲೈ ಮಾಡಿದ್ದೀರ? ಏನೂ ಇಲ್ಲ. ಅವರು ಇಂಡಿಪೆಂಡೆಂಟ್ ಆಗಿದ್ದಾರೆ. ಈ ಒಂದು ದೃಷ್ಟಿ ಯಿಂದ ಈ ಮನೂದೆಯನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ಬೋರ್ಡು ಟ್ಯಾಕ್ಸ್ ಕಲೆಕ್ಟ್ ಮಾಡಿ ನಿಮಗೆ ಕ್ರೆಡಿಟ್ ಮಾಡಬೇಕು. ಸರ್ಕಾರದ ಪರವಾಗಿ ಬೋರ್ಡಿನ ಲೆಕ್ಕ ಪತ್ರಗಳನ್ನು ಚೆಕ್ ಮಾಡಬೇಕಾದರೆ, ಅದರ ಆಡಿಟ್ ವರದಿಯಮೇಲೆ ಮಾತ್ರ ಡಿಪೆಂಡ್ ಆಗಬೇಕು. ರವಿನ್ಯೂ ಕರೆಕ್ಷನ್ ಮಾಡುವ ಇನ್‌ಸ್ಪೆಕ್ಟರುಗಳಿಗೂ ಸರ್ಕಾರಕ್ಕೂ ಏನು ಸಂಬಂಧವಿದೆ ಎನ್ನುವುದು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಸ್ಪಷ್ಟ ವಾಗಿಲ್ಲ.

Sri H. M. CHANNABASAPPA.—The Hon'ble Member's attention is invited to notification dated 30th June 1959. The Electricity Inspector of the Government is one of the officers who has jurisdiction all over the State.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಕ್ಲಾಸ್ 8ರಲ್ಲಿ "Power of State Government to notify exemptions and reductions of tax" ವಿಚಾರ ಹೇಳುತ್ತದೆ. ಒಂದು ಕಡೆ ಅಧಿಕಾರ, ಮತ್ತೊಂದು ಕಡೆ delegation of powers, ಈ ಮನೂದೆಯ ಪ್ರಕಾರ, ಪೂರ್ಣವಾಗಿ ಎಕ್ಸೆಂಪ್ಷನ್ ಕೊಡಬಹುದು ಮತ್ತು ರೇಟಿನಲ್ಲಿ ರಿಡಕ್ಷನ್ ಬೇಕಾ ದರೂ ಮಾಡಬಹುದು. ಯಾವ ತರಹ ಕನ್ಸ್ಯೂಮರು ಗಳಿಗೆ ಎಕ್ಸೆಂಪ್ಷನ್ ಅಥವಾ ರಿಡಕ್ಷನ್ ಕೊಡಬಹುದು ಎಂಬ ಬಗ್ಗೆ ಒಂದು ಲಿಸ್ಟ್ ಮಾಡಿ, ಅಪೆಂಡಿಕ್ಸ್‌ಗಾಗಿ ಈ ಬಿಲ್ಲಿಗೆ ಕೊಟ್ಟಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು. ಹೀಗೆ ಎಕ್ಸೆಂಪ್ಷನ್ ಷೆಡ್ಯೂಲ್ ಕೊಡದಿರುವುದರಿಂದ ಬಹಳ ಅನುಮಾನಾ ನ್ಪದವಾಗಿದೆ. ಯಾವಾಗಲೂ ಇಂಥ ಒಂದು ಕಾನೂ ನನ್ನು ತರಬಾರದು. ಪ್ರಜಾಪ್ರಭುತ್ವ ಯುಗದಲ್ಲಿ ಕಾನೂನನ್ನು ಸ್ಪೆಸಿಫಿಕ್ಕಾಗಿ ಮಾಡಬೇಕು, ಅದು ಡೆಫಿನಿಟ್ಟಾಗಿರಬೇಕು. ಯಾರಾದರೂ ಕಾನೂನನ್ನು ತಿರುಗಿಸಬೇಕೆಂದರೆ, ಇಂಥ ಕ್ಲಾಜುಗಳು ಸಿದ್ಧೌಷಧ ಯಾಗಿರಬಾರದು ಎಂದು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರುತ್ತೇನೆ. ಪುನಃ ಕ್ಲಾಸ್ 4ರ ಸಬ್ ಕ್ಲಾಸ್ (5)ರಲ್ಲಿ

Nothing in this section shall apply—

(i) to any person who generates energy for the purpose of supplying it for the use of vehicles or vessels;

(ii) to the consumption of energy generated by means of generators not exceeding five kilowats in capacity.

(ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ)

ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಇವುಗಳನ್ನೆಲ್ಲಾ ಸೇರಿಸಿ ಏತಕ್ಕೆ ಒಂದು ಲಸ್ಟ್ ಮಾಡಬಾರದು? ಒಂದು ಕಡೆ ಎಕ್ಸೆಂಪ್ಷ್ಟ್ ಕೊಟ್ಟಿದ್ದರೆ, ಇನ್ನೊಂದು ಕಡೆ ಕಲವರನ್ನು ವೇಟಿಂಗ್ ಲಿಸ್ಟಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ. ಈ ತರಹ ಮಾಡುವುದು ಫೆವರಿಟಿನಿಸಮ್ಮಿಗೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಸೇಲ್ಸ್‌ಟ್ಯಾಕ್ಸ್ ಬಿಲ್ಲಿನಲ್ಲಿ ಮಾಡಿರುವ ಹಾಗೆ ಏಕೆ ಒಂದು ಎಕ್ಸೆಂಪ್ಷ್ಟ್ ಲಸ್ಟ್ ಮಾಡಿ ಕೊಡಬಾರದು ಎಂದು ಸರ್ಕಾರವನ್ನು ಪ್ರಶ್ನಿಸುತ್ತೇನೆ.

ಕೊನೆಯದಾಗಿ ಇಷ್ಟನ್ನು ಮಾತ್ರ ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಸಭೆ ಆರ್ಡಿನೆನ್ಸು ಪಾಸು ಮಾಡಿದ ಒಂದೂವರೆ ತಿಂಗಳಿನಲ್ಲಿ ಸೇರುವಾಗ, ಎಲೆಕ್ಷೆಸಿಟಿಗೆ ಸಂಬಂಧ ಪಟ್ಟಂಥ ಈ ಆರ್ಡಿನೆನ್ಸನ್ನು ಹೊರಡಿಸಿ, ಈ ಸಭೆಯ ಹಕ್ಕುಬಾಧ್ಯತೆ ಮೊಟಕು ಮಾಡಬಾರದಾಗಿತ್ತು. ತಮ್ಮ ಜೀವನವನ್ನೇ ಪ್ರಜಾಪ್ರಭುತ್ವ ತತ್ವಗಳನ್ನು ಮುಂದುವರಿಸುವುದಕ್ಕೆ ಮುಡುಪಾಗಿ ಇಟ್ಟಿದ್ದೇನೆಂದು ಹೇಳುವ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು, ಇನ್ನು ಮುಂದೆ ಇಂಥ ತಪ್ಪನ್ನು ಮಾಡುವುದಿಲ್ಲವೆಂದು ನಂಬಿದ್ದೇನೆ.

Sri H. M. CHANNABASAPPA.—The Hon'ble Member knows that there was already a taxation measure in force in this country, even before this Ordinance came into force.

Sri C. K. RAJAIAH SETTY (Chiknaikanhally).—Are you aware that there was no taxation in Hyderabad?

Sri H. M. CHANNABASAPPA.—Government took precaution to see that such of those who should pay tax did not escape.

ಶ್ರೀ ಯು. ಎಂ. ಮಾದಪ್ಪ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇಲ್ಲಿಯವರೆಗೆ ಏಕೆ ಸುಮ್ಮನಿದ್ದರು? ಆಗಲೇ ಈ ಮನೂವೆಯನ್ನು ತರಬೇಕಾಗಿತ್ತು.

Sri H. M. CHANNABASAPPA.—I have made it clear in my speech. I have made it very clear that if we had brought uniform taxation measure at that time, there would have been unevenness in that part of the State and that would have created discontentment in several parts of the State. We were just waiting for uniform tariff measure to come into force. That is all.

†**Sri S. D. KOTHAVALE** (Chikodi).—Mr. Speaker, I rise to support this Bill. But there is some scope for improvement in several respects regarding the various provisions made in this Bill. Hon'ble Member Sri Madappa while speaking made a reference to the absence of financial memorandum so far as this Bill is concerned. It is true that Rule 68 of the Rules of Procedure and Conduct of Business provides for such a financial memorandum. In clause 6 of this Bill, it is said that the State Government may, by notification, appoint Inspecting Officers to inspect the prescribed books of account kept under Section 5, and the Bill makes provision for certain duties to be undertaken by their Inspectors. It does not appea from this Bill whether there is extra expense being incurred by the State Government on account of pay, allowances, dearness allowance, etc. by the Inspecting Officers. It would have been better if there was some specific statement in the Bill itself that no extra expenditure is necessary on account of the machinery, namely, inspecting officers for the purpose of inspecting.

Sri H. M. CHANNABASAPPA.—The rule specifically lays down that a Bill involving expenditure shall be accompanied by a financial memorandum. If it involved any expenditure, we would certainly have given a statement ourselves. Because no statement is given, it automatically means that there is no expenditure involved. I would like to make a categorical statement here that the provisions of this Act will be implemented by the existing staff and therefore there is no necessity for any additional expenditure.

Sri C. K. RAJAIAH SETTY.—In Section 6, you have said that 'the State Government may, by notification, appoint Inspecting Officers'. You never stated that you are going to delegate powers to the existing officers.

Sri H. M. CHANNABASAPPA.—We have made it clear as to who should exercise the powers.

Sri C. J. MUCKANNAPPA (Gubbi).—He has not made clear as to the status of these inspecting officers.

Sri H. M. CHANNABASAPPA.—I already drew your attention to the Statement in the Notification dated 30th June and it is very unfortunate that the Hon'ble Members have not gone through that. There is a list of officers who are to implement the provisions of this Act and that is in your hands. Please look at it.

Sri U. M. MADAPPA.—It is not available along with the Bill.

Sri S. D. KOTHAVALE.—The Hon'ble Minister for Public Works said that there is no extra expenditure involved in the implementation of the provisions of this Bill. That is a good explanation no doubt and it satisfied me. But it would have been a very happy thing if he had appended a tatement to the effect that no extra expenditure is necessary for the appointment of Inspecting Officers as contemplated by Section 6 of this Bill.

Sri H. M. CHANNABASAPPA.—The Hon'ble Member is a good lawyer. He could very well understand the fact that because we have not appended any financial statement, it automatically indicates that we are going to implement the provisions of the Bill with the existing staff.

Sri S. D. KOTHAVALE.—I do not want to harp upon that point. But I said it would have been very proper. There are one or two things more which require specific mention, and I want to make a reference to them before I pass on to the consideration of the Bill on its merits. Sir, the House may be pleased to read clause 10 which provides for powers to make rules. It says :

> "The State Government may, by notification, make rules to carry out the purposes of this Act."

Sub-clause (2) of Section 10 says :

> " (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules
>
> * * *
>
> (d) providing for any other matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the provisions of this Act."

It is a matter which probably, I am afraid, is *ultra vires*. Here, it is true that this House can delegate powers to the Government for making rules to carry out the provisions of the Bill when it becomes an Act. But it cannot give powers to the Government to provide for something for which no provision is made in the Bill itself or to provide for a thing for which there is insufficient provision in the Bill itself. This is something which is wrong and appears to be unconstitutional and I want the Hon'ble Minister for Public Works to look into this matter. Such a provision is not likely to confer any power on the Government which is *ultra vires* and unconstitutional. I am afraid there are one or two more provisions of the same nature but they do not go to the same extent. I make reference to clause 14. Clause 14 (1) says :

> " If any difficulty arises in giving effect to the provisions of this Act, in consequence of the transition to the said provisions from the provisions of the enactments repealed by section 12, the State Government, may, by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty."

Sub-clause (2) is also similar to this. These sub-clauses (1) and (2) do not go to the same extent as clause 10 (2) (b). But still, I am afraid they require some improvement and I think the Government will examine the position. Now, Sir, there is one more thing. Clause (3) imposes tax on consumption of energy. While going through it, I found the first part of that clause is very very complicated and involved and it is one whole complex sentence. I think it is possible to express the same thing in simple sentences so as to make it very easy for a person to understand. I shall just try to read it. It does not sound well. It says :

> "Subject to the provisions of this Act, there shall be levied and paid to the State Government on the units of energy consumed every month, a tax (hereinafter referred to as 'electricity tax' calculated at a rate not exceeding three naye paise per unit of energy as may, by notification, be specified by the State Government, and different rates may be specified in respect of different classes of consumers :"

(SRI S. D. KOTHAVALE)

I can understand the sense. But the sentence is very involved and I think it can be simplified The Law Department should give some attention to this aspect and try to simplify it, and try to see that this section is happily worded. Sir, I shall now consider the Bill on its merits. What I have noticed, Sir, is that Section 3 though it purports to levy a tax on consumption of energy, in effect if the entire section is construed, it would appear that the tax is levied on energy which can be said to be consumed or not at all consumed.

5-30 P.M.

This levy of tax purports to be a tax on the consumption of energy. But if the words are properly construed it amounts to a levy on energy which is not consumed.

Sri H. M. CHANNABASAPPA.—Surely.

Sri S. D. KOTHAVALE.—Particularly I am making a reference to clause (a) in the proviso to Clause 3.

> "Provided that where the units of energy supplied to a consumer are not determined by a meter, but—
>
> (*a*) the units of energy consumed are determined on the basis of any formula adopted by the licensee, the electricity tax shall be levied and paid on the units of energy determined on the basis of such formula;"

Now I have got a specific case in my view. It is this. In the Bombay area formerly, ubject to a minimum of Rs. 2 or Rs. 2-8-0, tariff was levied on the actual consumption of energy. After the promulgation of new tariff by the Electricity Board a new order has come into effect.

(At this stage some Hon'ble Members suggested that the discussion on the Bill may be continued tomorrow and short duration discussions may be taken up.)

MR. DEPUTY SPEAKER.—The Hon'ble Member may continue his speech tomorrow. Sri Sunthankar may now start the discussion on the matter given notice of by him.

DISCUSSION ON MATTER OF URGENT PUBLIC IMPORTANCE FOR SHORT DURATION.

Border Problem of Marathi Areas.

Sri B. R. SUNTHANKAR (Belgaum City).—Sir, I must thank you for allowing me to raise this discussion in this Hon'ble house. It is really unfortunate nay even tragic that I have to raise this discussion in this House.

The border problem of the Marathi areas between the States of Mysore and Bombay is one of the tragedies of the States' Reorganisation and my people, more than half a million in number, are victims of this tragedy. Here is an example of victimisation of a large section of the people amounting to more than half a million, for political cliques, for political manoeuvres and political ends. On account of States' Reorganisation, a great injustice has been done to my people; for the last four years and more my people are trying their best to get this injustice removed. We have tried all peaceful and democratic methods to get this injustice undone. We have left no stone unturned and as all our attempts proved futile, my people were forced by the circumstances to take resort to the no-tax campaign in the form of non-payment of land revenue. This no-tax campaign in Marathi border areas in the form of non-payment of land revenue or assessment has been launched since April last. This no-tax campaign has not sprung all of a sudden. I may say that it is the culmination of a long drawn struggle lasting for more than four years.

[MR. SPEAKER in the Chair.]

This no-tax campaign has been started in selected 148 villages and these villages are from talukas of Belgaum, Khanapur, Chikodi of Bel-